

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marilyn Bloch,
plaintiff

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Andrew Bluestone,
Defendant.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Marilyn Bloch
 Street Address Box 222 7958 Pines Boulevard
 County, City Pembroke Pines, Florida 33024, Broward
 State & Zip Code Florida
 Telephone Number 954-732-1397

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/28/2010

10 Civ. 6306

**AMENDED
COMPLAINT**

Jury Trial: Yes No
(check one)

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SEP 28 2010
PAP/EP/

PRO SE OFFICE
PC

Defendant No. 1

Name Andrew Bluestone, Esq.
 Street Address 233 Broadway, Suite 2702
 County, City New York, New York
 State & Zip Code New York 10279
 Telephone Number _____

Defendant No. 2

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions

Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? I did not fairly or properly represent me. I had to go to Florida appearing by myself.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship Marilyn Block, Florida resident
 Defendant(s) state(s) of citizenship Andrew Bluestone, a New York resident.

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. Where did the events giving rise to your claim(s) occur? Please see enclosed emails of Mr Bluestone who took my case but did not settle it as promised.
- B. What date and approximate time did the events giving rise to your claim(s) occur? In the year of 2009 between May, 2008 and May, 2009
- C. Facts: Mr Bluestone wrote me emails saying he would take a case for me if I paid him 20% retainer. For a whole year he strings me along & did not answer my phone calls or messages, or letters causing me emotional distress, requesting me to seek help from a doctor. (See enclosed report) I had a policy of \$100,000 and it was all tied up due to Mr. Bluestone, which I told Mr. Gerdis orally at that time. He bragged he knew the defendant and was settling my case for me. Bluestone made promises he did not do + I could not call him.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. See enclosed medical

report of Dr. Gerdis from this emotional distress of Mr. Bluestone. You lost faith in your attorney who strings you along for a year promising things. ALSO Plaintiff went to local Anderson Clinic as well for psychiatric distress by Mr. Bluestone.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

Therefore, Plaintiff Marilyn Block asks for \$2,000,000 (two million) dollars for loss of her assets as seen in the enclosed contract with CPL. Mr. Bluestone never did anything with FINRA and Plaintiff did poorly at a hearing to terminate this contract.

It was one-sided, broker quit right after it was written and she received a \$600 fee commission for writing contract with Plaintiff which Bluestone promised to assist Plaintiff with. See enclosed letter from Bar Association on Mr. Bluestone.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21st day of September, 2010

Signature of Plaintiff

Mailing Address

Marilyn Block
7958 Pines Blvd.
No. 222
Pembroke Pines, FL 33024
954-732-1397

Telephone Number

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20_____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Inmate Number

Tue, January 26, 2010 4:14:26 PM

Re: Re:

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
 To: alb@bluestonelawfirm.com

since you called mr. furman i have not heard from ms. dukette on my settlement in koerner case. marilyn bloch

On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote:

>I was unable to speak with dukete and left message
 >-----Original Message-----
 >From: Marilyn Bloch
 >To: Andrew Bluestone
 >Subject: Re: Re:
 >Sent: Dec 1, 2009 9:20 AM
 >
 >you said you would call furman on monday but you never told me the results of your call. marilyn bloch
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 >Andrew Lavoott Bluestone wrote:
 >> They did not answer phone calls today. I'll try again on Monday
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 >> From: "Marilyn Bloch" <marilynbloch195039@yahoo.com>
 >> To: <alb@bluestonelawfirm.com>
 >> Sent: Wednesday, November 25, 2009 4:45 PM
 >> Subject: Re:
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 >>>> No news
 >>>> -----Original Message-----
 >>>> From: Marilyn Bloch
 >>>> To: Andrew Bluestone
 >>>> Subject:
 >>>> Sent: Nov 25, 2009 3:47 PM
 >>>> you said to get in touch with you regarding furman, kornfeld, brennan. if
 >>>> you have any news let me know. marilyn bloch
 >>>>
 >>>> Sent from my Verizon Wireless BlackBerry
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 >Sent from my Verizon Wireless BlackBerry

Re: Re:

Tue, January 12, 2010 4:37:47 PM

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

i have not heard from mr. furan since you left your message to me in december. marilyn bloch

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>Sent from my Verizon Wireless BlackBerry

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Hi, Marilyn | Available | Sign Out

Yahoo! My Yahoo! Search Web Search

Check Mail | **New** | **What's New** | **Inbox** 680 emails | **Search:** "alb@bluestonelawfirm.com"

Mobile | **Options** | **Help**

Narrow Results

Sender
Marilyn Bloch 11
alb@bluestonelaw... 2
Andrew Lavoott Bl... 1

Folder
Sent 11
Inbox 3

Date
2010 3
2009 11

Message Status
Unflagged 14
Read 14

From **Subject** **Date** **Location** **Show:** **All Emails** **✓ Show Snippets**

14 emails were found matching your search

<marilynbl195039@yahoo.com> to: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is final ...

Marilyn Bloch FW: Re: Re: Tue, 12/1/09 9:28 AM Sent
... do so. m bloch ----- Original Message ----- Subject: Re: Re: Date: Wed, 25 Nov 2009 21:57:55 From: Andrew Lavoott Bluestone <alb@bluestonelawfirm.com> To: Marilyn Bloch <marilynbl195039@yahoo.com> They did not answer phone calls today. I'll try again on Monday ----- Original ...

alb@bluestonelawfirm.com Re: Re: Tue, 12/1/09 9:34 AM Inbox
... today. I'll try again on Monday ----- Original Message ----- From: 'Marilyn Bloch'
<marilynbl195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is ...

Marilyn Bloch Re: Re: Wed, 12/2/09 4:02 PM Sent
i received your message and any thing you could do to settle this case would be greatly appreciated. thank you.
marilyn bloch alb@bluestonelawfirm.com wrote: I was unable to speak with dukete and left message -----Original Message----- From: Marilyn Bloch To: Andrew ...

Marilyn Bloch Re: Re: Tue 1/12, 4:37 PM Sent
i have not heard from mr. furan since you left your message to me in december. marilyn bloch On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote: I was unable to speak with dukete and left message -----Original Message----- From: Marilyn Bloch To: Andrew ...

Marilyn Bloch Re: Re: Wed 1/13, 10:09 AM Sent
... anything you could do with furman would be greatly appreciated towards my expensive tuition. m bloch On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote: i was unable to speak with dukete and left message -----Original Message----- From: Marilyn Bloch To: Andrew ...

Marilyn Bloch Re: Re: Tue 1/26, 4:14 PM Sent
... mr. furman i have not heard from ms. dukette on my settlement in knemer case marilyn bloch On Tue Dec 1st

Applications

Attach Large Files
Automatic Organizer
Calendar
Edit Photos
Evite
Flickr
My Drive

TODAY: 7/7

Wed, November 25, 2009 3:39:11 PM

[No Subject]

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: "alb@bluestonelawservice.com" <alb@bluestonelawservice.com>

you said to call you about furman, komfeld and brennan but i never heard from you. marilyn bloch



Amanda C. Hawley
Senior Vice President
Associate Counsel

One Beacon Street, 22nd Floor
Boston, MA 02108-3106
amanda.hawley@lpl.com
617 897 4715 office
800 775 4575 ext. 4715
617 426 8589 fax

May 15, 2008

Via Facsimile and Federal Express

Joan M. Pendergast, Case Administrator
FINRA Dispute Resolution, Inc.
Boca Center Tower 1
5200 Town Center Circle, Suite 200
Boca Raton, FL 33486-1015

**RE: FINRA Dispute Resolution Arbitration Case No. 07-03387
Marilyn Bloch v. Distinctive Financial, Teresa DiLorenzo, LPL
Financial Services, Linsco/Private Ledger Corp., et al.**

Dear Ms. Pendergast:

Reference is made to the Order of the Panel in the above-referenced matter, which was issued on May 13, 2008, following the Initial Pre-Hearing Conference call that was held on May 8, 2008, beginning at 10:00 a.m.

This submission will serve as a Motion for Reconsideration by the Respondents, LPL Financial Corp. and Teresa DiLorenzo, with respect to the Panel's assessment of all of the costs associated with the Initial Pre-Hearing Conference against these Respondents, (as named, Distinctive Financial, Teresa DiLorenzo, LPL Financial Services, and Linsco/Private Ledger Corp.), on account of my "failing to participate in the conference as scheduled."

As reasons therefor, I respectfully submit the following:

- I appropriately had the conference call placed in my calendar, reflecting the accurate date/time of the call, May 8, 2008 at 10:00 a.m.
- Unfortunately, due to an unavoidable delay and circumstance, I was not at my desk at the time the conference call coordinator called my direct line in order to connect me to the call. Furthermore, without the benefit of having an administrative assistant at the time, there was no person available to advise the conference call coordinator that I would be joining shortly. Therefore, the conference call coordinator left a voice mail message, with the dial-in instructions for me to join the conference.

Fri, November 20, 2009 2:15:23 PM

alb@bluestonelawservice.com

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: "goretzizili@maryknoll.org" <goretzizili@maryknoll.org>

i am willing to engage your services in the matter of bloch vs. koemer. marilynbloch195039@yahoo.com

DEPARTMENTAL DISCIPLINARY COMMITTEE

SUPREME COURT, APPELLATE DIVISION

FIRST JUDICIAL DEPARTMENT

61 BROADWAY

NEW YORK, NEW YORK 10006

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FAX: (212) 287-1045 (NOT FOR SERVICE OF PAPERS)

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NANCY B. LUDMERER, ESQ.
WILLIAM A. MAHER, ESQ.
ROGER JUAN MALDONADO, ESQ.ROBERT J. MC GUIRE, ESQ.
HAROLD F. MC GUIRE, JR., ESQ.
ROBERT P. MCGREEVY, ESQ.
FITZGERALD MILLER
CHARLES G. MOERDLER, ESQ.
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JACOB PULTMAN, ESQ.
ROBIN STRATTON RIVERA
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KIM PETERSEN
ORLANDO REYES
ANN E. SCHERZER
EILEEN J. SHIELDS
SCOTT D. SMITH
STAFF COUNSEL

September 10, 2010

PERSONAL AND CONFIDENTIAL

Marilyn Bloch
 7958 Pines Boulevard
 #222
 Pembroke Pines, FL 33024

Re: Matter of Andrew L. Bluestone, Esq.

Docket No. 2010.2259

Dear Ms. Bloch:

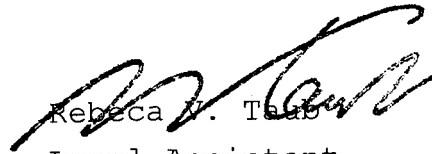
This office has received your complaint regarding the above-named attorney.

It is the function of this Committee to conduct investigations in order to determine whether or not attorneys have engaged in conduct which warrants professional discipline. Please be advised that we cannot take action to compel the return of money in any dispute, nor are we permitted to give legal advice.

A copy of your complaint will be sent to the above-named attorney. When we receive a written answer, it will be forwarded to you for written comments. We regret that we cannot provide detailed status reports during this investigation. You will, of course, be notified of the Committee's final disposition of this matter.

Correspondence and inquiries concerning this matter should be addressed to the undersigned. Please be sure to include the Committee's docket number on your correspondence.

Very truly yours,


 Rebecca T. Teitelman
 Legal Assistant

AWF:adp/P: RVT

Enc.

PAR11

[No Subject]

Fri, November 20, 2009 12:15:13 PM

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: "alba@bluestonelawservices.com" <alba@bluestonelawservices.com>

i am agreeable to having you settle my case with blocg vs. koemrr. thank you for your efforts for me in this matter. marilyn bloch195039@yahoo.com

Re: Re:

From: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com> Add to Contacts
 To: Marilyn Bloch <marilynbloch195039@yahoo.com>

Tue, December 1, 2009 9:34:23 AM

I was unable to speak with dukete and left message
 -----Original Message-----

From: Marilyn Bloch
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 Subject: Re: Re:
 Sent: Dec 1, 2009 9:20 AM

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>>marilyn bloch

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>>> From: Marilyn Bloch

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>>> Subject:

>>> Sent: Nov 25, 2009 3:47 PM

>>> you said to get in touch with you regarding furman, komfeld, brennan. if

>>> you have any news let me know. marilyn bloch

>>>

>>> Sent from my Verizon Wireless BlackBerry

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Sent from my Verizon Wireless BlackBerry

Wed, December 2, 2009 4:02:02 PM

Re: Re:

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

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7/7/2010

<http://us.mg2.mail.yahoo.com/dc/launch?.gx=1&.rand=12e6u0r59352i>

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>>>> Sent from my Verizon Wireless BlackBerry

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[No Subject]

Wed, November 25, 2009 3:47:49 PM

From: Marilyn Bloch <marilynblock135039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch

Re: Re:

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

Tue, January 12, 2010 4:37:47 PM

i have not heard from mr. furman since you left your message to me in december. marilyn bloch

On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote:

>I was unable to speak with dukete and left message
>-----Original Message-----
>From: Marilyn Bloch
>To: Andrew Bluestone
>Subject: Re: Re:
>Sent: Dec 1, 2009 9:20 AM
>
>you said you would call furman on monday but you never told me the results of your call. marilyn bloch
>
>Andrew Lavoott Bluestone wrote:
>> They did not answer phone calls today. I'll try again on Monday
>> ----- Original Message -----
>> From: "Marilyn Bloch" <marilynblock195039@yahoo.com>
>> To: <alb@bluestonelawfirm.com>
>> Sent: Wednesday, November 25, 2009 4:45 PM
>> Subject: Re:
>>i guess there is no use calling you anymore and that 7500 is final offer.
>>>marilyn bloch
>>>
>>> alb@bluestonelawfirm.com wrote:
>>> No news
>>> -----Original Message-----
>>> From: Marilyn Bloch
>>> To: Andrew Bluestone
>>> Subject:
>>> Sent: Nov 25, 2009 3:47 PM
>>> you said to get in touch with you regarding furman, kornfeld, brennan. if
>>> you have any news let me know. marilyn bloch
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>>> Sent from my Verizon Wireless BlackBerry
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>Sent from my Verizon Wireless BlackBerry

Case 1:10-cv-06216-NRB Document 5 Filed 09/28/10 Page 18 of 37

Re: Re:

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

Wed, January 13, 2010 10:09:23 AM

since you called me i have not heard from furman and i would like to return to nursing school at 987 per month as i cannot get a pell grant as i have a b.a. the govt does not want two ba degrees. so anything you could do with furman would be greatly appreciated towards my expensive tuition. m bloch
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>Sent from my Verizon Wireless BlackBerry

Wed, January 13, 2010 10:09:23 AM

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From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
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To: alb@bluestonelawfirm.com

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On Tue Dec 1st, 2009 9:34 AM EST alb@bluestonelawfirm.com wrote:

Of Interest to You

You can access important contract information, including your current account balance and interest rate, by registering for our Internet Service Center at www.LFG.com. Registered users can also view or print statements and confirmations from our web site.

Notifications

- This confirmation is prepared by The Lincoln National Life Insurance Company or one of its Life Insurance company affiliates pursuant to its agreement with the principal underwriter of the insurance securities described herein, for the benefit of the selling broker dealer.
- Notify Lincoln promptly if information contained in this document is not accurate. Please feel free to re-confirm any oral communication in writing to further protect your rights.
- The term "Interest Adjustment" may be referred to as "Market Value Adjustment" in the contract.

Lincoln

Financial Group®

PO Box 2348
Fort Wayne IN 46801-2348

Annuity Confirmation 1/11/08

#BWNGYCG
001561 21101202
MARILYN BLOCH
14545 MILITARY TRL STES
DELRAY BEACH FL 33484-3781

Owner: Marilyn Bloch
Annuitant: Marilyn Bloch
Assurance (L Share): 92-4144877
Contract effective date: 12/18/06
Plan type: Non-Qualified

Representative: Todd G. Pollock
Broker/Dealer: A G EDWARDS & SONS INC

If you have questions regarding this
statement, please call Lincoln Life at
888-868-2583.

Activity

Date	Type of activity	Unit value	Number of units	Amount
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1/11/08 Transfer

From:
DCA Guarantee

- 1,832.75

To:

AF Growth	17.783042	15.4591	274.91
AF Int'l	22.756151	8.0536	183.27
FT Grwth Sec	16.495637	11.1108	183.28
LVIP Del Bond	10.632927	17.2370	183.28
LVIP Wlsh Mo P	12.017980	68.6255	824.74
LVIP Wlsh MAGP	12.354438	14.8343	183.27

The funds transfer service feature will end with your next scheduled transfer.

Value Summary

Unit value	Number of units	Amount
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AF Growth

AF Int'l

17.783042	92.7211	1,648.86
22.756151	50.8557	1,152.95



Portfolio Rebalancing Elec

Servicing Office – PO Box 7871
 Fort Wayne IN 46801-7871
 Fax Number 260 455-9427
 www.LFG.com

Overnight Address: Lincoln Financial
 Financial – IA
 1300 S Clinton St
 Fort Wayne IN 46802-3506

Contract Information

Contract number	<i>New contract</i>
Contract owner's name	<i>MARYLYN BLOCK</i>
Telephone number	<i>(561) 305-0386</i>
Representative's name	<i>TERESA A DiLORENZO</i>
	Telephone number <i>(561) 278-0049</i>

Important Information

Things to consider when choosing portfolio rebalancing:

- Portfolio rebalancing is not available to those currently participating in:
 - Cross-Reinvestment.
 - Dollar Cost Averaging.
- The minimum amount that can be transferred is \$50.
- Transfers will occur on the first through the 28th day of the month. If no date is selected, the transfer will occur on the 15th day of the month.
- The portfolio rebalancing program will continue until you authorize the Company to terminate the program. You may establish, change or terminate portfolio rebalancing by:
 - Selecting the appropriate box in the Program Options section, and returning the completed form to the Company
 - Sending the Company a written notice signed by the contract owner or,
 - Calling the Company at 888 868-2583, if telephone authorization has been established on your account.

Program Options

Select one contract option:

- Start new program Start date (month/day/year) _____ (If no start date is selected, the start date will be the 15th of the month.)
- Change existing program
- End existing program

Select frequency of rebalancing: (If no frequency is selected, the frequency will be quarterly.)

- Monthly Quarterly Semi-annually Annually

Note: Withdrawals, contributions, and manual transfers will not discontinue this service feature or change allocation percentages.

Rebalancing and Subaccount Allocation Information

Portfolio rebalancing allows the contract owner to establish an asset allocation mix. On a periodic basis automatic rebalancing restores the funds selected on this form to their original asset allocation percentages.

Rebalance the: Entire contract value* Specific funds

Date	Type of activity	Unit value	Number of units	Amount
<i>**This transaction occurred due to your termination of the i4LIFE® Advantage with Guaranteed Income Benefit, which provides an automatic step-up feature. The fund unit values no longer reflect the cost of the benefit.</i>				
Value Summary				
		Unit value	Number of units	Amount
	AC Infltn Prot	10.505999	490.7177	5,155.48
	AF Growth	18.802214	810.2205	15,233.94
	AF Int'l	22.179847	229.0633	5,080.59
	FT Glb Inc Sec	11.539587	444.8677	5,133.59
	FT Grwth Sec	17.518656	555.0924	9,740.24
	LVIP Del Bond	10.166929	1104.9276	11,233.72
	LVIP Mon It Va	15.244638	652.2313	9,943.03
	LVIP S&P 500	11.551355	856.6190	9,895.11
	LVIP Wish Mo P	12.079129	1170.0678	14,133.40
	LVIP Wish MAgP	12.637375	794.9444	10,046.01
	MFS Total Rtrn	11.454695	430.2323	4,928.18
	Total			\$ 100,523.29

Of Interest to You

You can access important contract information, including your current account balance and interest rate, by registering for our Internet Service Center at www.LFG.com. Registered users can also view or print statements and confirmations from our web site.

Notifications

- This confirmation is prepared by The Lincoln National Life Insurance Company or one of its Life Insurance company affiliates pursuant to its agreement with the principal underwriter of the insurance securities described herein, for the benefit of the selling broker dealer.
- Notify Lincoln promptly if information contained in this document is not accurate. Please feel free to re-confirm any oral communication in writing to further protect your rights.
- The term "Interest Adjustment" may be referred to as "Market Value Adjustment" in the contract.



PO Box 7866
Fort Wayne IN 46801-7866

Annuity
Confirmation
8/8/07

#BWNGYCG
000466 21122103
MARILYN BLOCH
14545 MILITARY TRL STES
DELRAY BEACH FL 33484-3781

Owner: Marilyn Bloch
Annuitant: Marilyn Bloch
Assurance (L Share) : 92-4144877
Contract effective date: 12/18/06
Plan type: Non-Qualified

Representative: Teresa Dilorenzo
Broker/Dealer: LINSO/PRIVATE LEDGER CO
DELRA

If you have questions regarding this
statement, please call Lincoln Life at
888-868-2583.

Activity

Date	Type of activity	Unit value	Number of units	Amount
8/8/07	Contract option change			\$ 100,523.29
	From:			
	AC Infltn Prot	10.207988	- 505.0434	- 5,155.48
	AF Growth	20.913278	- 728.4340	- 15,233.94
	AF Int'l	25.469966	- 199.4736	- 5,080.59
	FT Glb Inc Sec	11.316234	- 453.6485	- 5,133.59
	FT Grwth Sec	19.843045	- 490.8644	- 9,740.24
	LVIP Del Bond	10.323040	- 1088.2185	- 11,233.72
	LVIP Mon It Va	22.752650	- 437.0055	- 9,943.03
	LVIP S&P 500	11.327083	- 873.5801	- 9,895.11
	LVIP Wish Mo P	11.845283	- 1193.1672	- 14,133.40
	LVIP Wish MAgP	12.392755	- 810.6361	- 10,046.01
	MFS Total Rtrn	14.168513	- 347.8262	- 4,928.18
	To:			
	AC Infltn Prot	10.505999	490.7177	5,155.48
	AF Growth	18.802214	810.2205	15,233.94
	AF Int'l	22.179847	229.0633	5,080.59
	FT Glb Inc Sec	11.539587	444.8677	5,133.59
	FT Grwth Sec	17.518656	555.9924	9,740.24
	LVIP Del Bond	10.166929	1104.9276	11,233.72
	LVIP Mon It Va	15.244638	652.2313	9,943.03
	LVIP S&P 500	11.551355	856.6190	9,895.11
	LVIP Wish Mo P	12.079129	1170.0678	14,133.40
	LVIP Wish MAgP	12.637375	794.9444	10,046.01
	MFS Total Rtrn	11.454695	430.2323	4,928.18

Case 1:10-cv-06216-NRB Document 5 Filed 09/28/10 Page 26 of 37

Hi, Marilyn | Available | Sign Out

Yahoo! My Yahoo! Search Web Search

Check Mail New 670 Click for your Credit Score \$0

What's New **Inbox** 680 emails **Search:** "alb@bluestonelaw...

Delete **Reply** **Forward** **Spam** **Move** **Actions**

Show: All Emails

From Subject Date Location

14 emails were found matching your search Show Snippets

Inbox (61)	Marilyn Bloch [No Subject]	Wed, 11/25/09 3:47 PM	Sent
Drafts (62)	you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch		
Sent			
Spam (502)	alb@bluestonelawfirm.com Re:	Wed, 11/25/09 4:19 PM	Inbox
Trash	No news -----Original Message----- From: Marilyn Bloch To: Andrew Bluestone Subject: Sent: Nov 25, 2009 3:47 PM you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch Sent from my Verizon ...		
Contacts	Marilyn Bloch Re:	Wed, 11/25/09 4:45 PM	Sent
0 online	I guess there is no use calling you anymore and that 7500 is final offer. marilyn bloch alb@bluestonelawfirm.com wrote: No news -----Original Message----- From: Marilyn Bloch To: Andrew Bluestone Subject: Sent: Nov 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is final ...		
Folders	Andrew Lavoott Bluestone Re: Re:	Wed, 11/25/09 4:57 PM	Inbox
	... phone calls today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynbloch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is final ...		
Applications	Marilyn Bloch Re: Re:	Wed, 11/25/09 5:00 PM	Sent
Attach Large Files	... calls today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynbloch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is final ...		
Automatic Organizer	Marilyn Bloch Re: Re:	Mon, 11/30/09 11:38 AM	Sent
Calendar	... calls today. I'll try again on Monday ----- Original Message ----- From: "Marilyn Bloch" <marilynbloch195039@yahoo.com> To: <alb@bluestonelawfirm.com> Sent: Wednesday, November 25, 2009 4:45 PM Subject: Re: i guess there is no use calling you anymore and that 7500 is final ...		
Edit Photos			
Evite			
Flickr			
My Drive			

TODAY: 7/7

Mobile | **Options** | **Help**

Narrow Results

Sender
Marilyn Bloch 11
alb@bluestonelaw... 2
Andrew Lavoott Bl... 1

Folder
Sent 11
Inbox 3

Date
2010 3
2009 11

Message Status
Unflagged 14
Read 14

Wed, January 13, 2010 10:09:23 AM

Re: Re:

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

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>Subject: Re: Re:
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>Sent from my Verizon Wireless BlackBerry

[No Subject]

Wed, November 25, 2009 3:47:49 PM

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

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Tue, December 1, 2009 9:34:23 AM

Re: Re:

From: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.co... Add to Contacts
To: Marilyn Bloch <marilynbloch195039@yahoo.com>

I was unable to speak with dukete and left message

-----Original Message-----

From: Marilyn Bloch
To: Andrew Bluestone
Subject: Re: Re:
Sent: Dec 1, 2009 9:20 AM

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>>
>> Sent from my Verizon Wireless BlackBerry
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Sent from my Verizon Wireless BlackBerry

Wed, December 2, 2009 4:02:02 PM

Re: Re:

From: Marilyn Bloch <marilynbloch195039@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

i received your message and any thing you could do to settle this case would be greatly appreciated. thank you. marilyn bloch

alb@bluestonelawfirm.com wrote:
> I was unable to speak with dukete and left message
> -----Original Message-----
> From: Marilyn Bloch
> To: Andrew Bluestone
> Subject: Re: Re:
> Sent: Dec 1, 2009 9:20 AM
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Tue, January 12, 2010 4:37:47 PM

Re: Re:

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
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>Sent from my Verizon Wireless BlackBerry

[No Subject]

Wed, November 25, 2009 3:47:49 PM

From: Marilyn Bloch <marilynbloch135038@yahoo.com> View Contact
To: "alb@bluestonelawfirm.com" <alb@bluestonelawfirm.com>

you said to get in touch with you regarding furman, kornfeld, brennan. if you have any news let me know. marilyn bloch

Re: Re:

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: alb@bluestonelawfirm.com

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>>>marilyn bloch
>>>
>>> alb@bluestonelawfirm.com wrote:
>>> No news
>>> -----Original Message-----
>>> From: Marilyn Bloch
>>> To: Andrew Bluestone
>>> Subject:
>>> Sent: Nov 25, 2009 3:47 PM
>>> you said to get in touch with you regarding furman, kornfeld, brennan. if
>>> you have any news let me know. marilyn bloch
>>>
>>> Sent from my Verizon Wireless BlackBerry
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>Sent from my Verizon Wireless BlackBerry

Fri, November 20, 2009 1:00:17 PM

[No Subject]

From: Marilyn Bloch <marilynblock195039@yahoo.com> View Contact
To: "alb@bluestonelawservices.com" <alb@bluestonelawservices.com>

i am willing to retain your services for 20 percent fee in the matter of bloch v. koemer before judge alvin hellerstein. please fax retauner agreements.
marilynblock195039@yahoo.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CIV 6910

MARILYN BLOCH,

Plaintiff,

ORDER

-against-

ANDREW BLUESTONE, ESQ.,

Defendants.

X

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff, presently residing in Pembroke Pines, Florida, brings this *pro se* diversity action under 28 U.S.C. § 1332. Plaintiff alleges that Defendants Andrew Bluestone committed legal malpractice by negligently representing her. The Court grants Plaintiff's request to proceed *in forma pauperis* and directs the Clerk of Court to assign a docket number to this Complaint. The Court further directs Plaintiff to submit an Amended Complaint within sixty (60) days of the date of this Order as detailed below.

DISCUSSION

Diversity Jurisdiction

Plaintiff brings this action alleging diversity jurisdiction pursuant to 28 U.S.C. § 1332. In order to invoke diversity jurisdiction, the citizenship of all plaintiffs must be diverse from that of all defendants. Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806); 28 U.S.C. § 1332(a); Cresswell v. Sullivan & Cromwell, 922 F.2d 60, 68 (2d Cir. 1990). Diversity must be complete; in other words, "no plaintiff and no defendant [may be] citizens of the same State." Wisconsin Dep't of Corr. v. Schacht, 524 U.S. 381, 388 (1998). In addition, plaintiff must allege a "reasonable probability" that the claim is in excess of the sum or value of \$75,000.00, the statutory jurisdictional amount. Colavito v. New York Organ Donor Network, Inc., 438 F.3d 214, 221 (2d Cir. 2006) (citation and internal quotation marks omitted).

Plaintiff's allegations, that she resides in Pembroke Pines, Florida, and that Defendant's

legal office is located in New York City, indicate that she and Defendant are citizens of different states. It is unclear, however, whether plaintiff's amount in controversy exceeds \$75,000. "A party invoking the jurisdiction of the federal court has the burden of proving that it appears to a 'reasonable probability' that the claim is in excess of the statutory jurisdictional amount." Chase Manhattan Bank v. American National Bank and Trust Company of Chicago, 93 F.3d 1064, 1070 (2d Cir. 1996) (quoting Tongkook America, Inc. v. Shipton Sportswear Co., 14 F.3d 781, 784 (2d Cir. 1994)). The sum claimed by plaintiff will control if it is made in good faith. St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 288-89 (1938). It is the Court's duty, however, to dismiss an action where it is "convinced to a legal certainty that the plaintiff cannot recover an amount in excess of the [minimum statutory jurisdictional amount]." Tongkook America, Inc., 14 F.3d at 784 (quoting Deutsch v. Hewes St. Realty Corp., 359 F.2d 96, 98 (2d Cir. 1966)) (alteration in original, internal quotation marks omitted). Nevertheless, the Second Circuit has cautioned that a party should be afforded an "appropriate and reasonable opportunity to show good faith in believing that a recovery in excess of [the jurisdictional amount] is reasonably possible." Chase Manhattan Bank, 93 F.3d at 1070 (quoting A.F.A. Tours, Inc. v. Whitchurch, 937 F.3d 82, 88 (2d Cir. 1991))

Plaintiff seeks to recoup more than \$3,500,000 in damages. But she fails to allege facts that support this claim. Therefore, plaintiff must amend her complaint to establish that her actual damages is an amount in excess of the \$75,000 jurisdictional threshold.

Leave to Amend

Plaintiff is hereby directed to file an Amended Complaint containing the information specified above.¹ The Amended Complaint must be submitted to this Court's *Pro Se* Office within sixty (60) days of the date of this Order, be captioned as an "AMENDED COMPLAINT," and bear the same docket number as this Order. Plaintiff's Amended Complaint will completely

¹ An Amended Complaint form is attached to this Order for Plaintiff's convenience. Plaintiff should complete the entire form with the information specified above and return it to the Court's *Pro Se* Office within sixty (60) days from the date of this Order.

replace, not supplement, her original Complaint. No summons will issue at this time, and all further proceedings will be stayed for sixty (60) days or until Plaintiff has complied with this Order. Once submitted, the Amended Complaint will be reviewed for substantive sufficiency and then, if proper, will be reassigned to a district judge in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply within the time allowed or show good cause why she cannot comply, the Complaint will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Copperedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED:



LORETTA A. PRESKA

Chief United States District Judge

Dated:

AUG 18 2010
New York, New York